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January 13, 2015

Via E-Filing

Gary Shinnars
Executive Secretary
National Labor Relations Board
1099 14th Street, NW
Washington, DC 20570-0001

Re: *Bloomingdale's, Inc. and Fatemeh Johnmohammadi*
NLRB Case No. 31-CA-071281

Dear Mr. Shinnars:

On July 8, 2014, pursuant to the Board's decision in *Reliant Energy*, 339 NLRB 66 (2003), Respondent Bloomingdale's, Inc. notified the Board of pertinent and significant new authority which was issued after the Administrative Law Judge's decision and the transfer of this case to the Board, specifically the Ninth Circuit's decision in *Fatemeh Johnmohammadi v. Bloomingdale's, Inc.*, 755 F.3d 1072 (9th Cir. Jun. 23, 2014). That decision upheld the district court's determination that Charging Party in the present case voluntarily entered into a valid, written arbitration agreement with Bloomingdale's which, under the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.*, "must be enforced according to its terms." It also rejected the arguments of the General Counsel and Charging Party that Bloomingdale's arbitration agreement violates the Norris LaGuardia Act, National Labor Relations Act, and/or Board's decision in *D.R. Horton, Inc.*, 357 NLRB No. 184 (2012).

We are writing to supplement Bloomingdale's July 8, 2014 notification regarding the Ninth Circuit's decision, as follows: On July 25, 2014, Charging Party filed a petition for rehearing en banc with the Ninth Circuit. On December 31, 2014, the Ninth Circuit issued an Order denying the petition for rehearing (see enclosed copy). On January 9, 2015, the Ninth Circuit issued its formal Mandate pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure (see enclosed copy).

The Ninth's Circuit's decision, the Order denying the petition for rehearing en banc, and the Ninth Circuit's Mandate all support the propositions set forth in the final paragraph of Bloomingdale's July 8, 2014 notification to the Board.

* * * * *

Word count: 258

Respectfully submitted,

JACKSON LEWIS P.C.

David S. Bradshaw



Attorneys for
BLOOMINGDALE'S, INC.

DSB:gkb

Enclosures

cc: See attached Certificate of Service (w/encls.)

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 31 2014

FATEMEH JOHNMOHAMMADI,
individually and on behalf of other persons
similarly situated,

Plaintiff - Appellant,

v.

BLOOMINGDALE'S, INC.,

Defendant - Appellee.

No. 12-55578

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

D.C. No. 2:11-cv-06434-GW-AJW
Central District of California,
Los Angeles

ORDER

Before: NOONAN and WATFORD, Circuit Judges, and SMITH, Chief District Judge.*

Judge Watford votes to deny the petition for rehearing en banc, and Judge Noonan and Chief Judge Smith so recommend.

The full court has been advised of the petition for rehearing en banc, and no judge requested a vote on whether to rehear the matter en banc. Fed. R. App. P.

35.

The petition for rehearing en banc, filed July 25, 2014, is DENIED.

* The Honorable William E. Smith, Chief District Judge for the U.S. District Court for the District of Rhode Island, sitting by designation.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 09 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FATEMEH JOHNMOHAMMADI,
individually and on behalf of other
persons similarly situated,

Plaintiff - Appellant,

v.

BLOOMINGDALE'S, INC.,

Defendant - Appellee.

No. 12-55578

D.C. No. 2:11-cv-06434-GW-AJW
U.S. District Court for Central
California, Los Angeles

MANDATE

The judgment of this Court, entered June 23, 2014, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:
Molly C. Dwyer
Clerk of Court

Rebecca Lopez
Deputy Clerk

CERTIFICATE OF SERVICE

I hereby certify:

I am employed in the County of Sacramento, State of California. I am over the age of eighteen years and not a party to the within action; my business address is Jackson Lewis P.C., 801 K Street, Suite 2300, Sacramento, California 95814.

On January 13, 2015, I served the within:

**BLOOMINGDALE'S, INC.'S SUPPLEMENTAL *RELIANT* NOTICE
OF PERTINENT AND SIGNIFICANT NEW AUTHORITY
(WITH ENCLOSURES)**

on the parties and interested persons in said proceeding:

X by forwarding a true and correct copy thereof electronically from e-mail address baumg@jacksonlewis.com between approximately 5:15 p.m. and 5:30 p.m. to the persons at the e-mail addresses set forth below.

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website at time of filing)

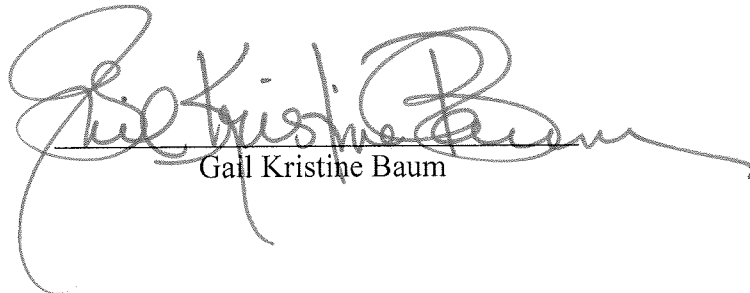
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Additionally, on January 13, 2015, I will electronically file the above-mentioned document with the Office of the Executive Secretary.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed on this 13th day of January, 2015 at Sacramento, California.



Gail Kristine Baum